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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,668	12/21/2000	Ravi Jagannathan	47242.00013	4625
7590	09/08/2004		EXAMINER	
Ravi Jagannathan 1 Maple Street #2108 Redwood City, CA 94063			VANDERPUYE, KENNETH N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,668

Applicant(s)

JAGANNATHAN, RAVI

Examiner

Kenneth N Vanderpuye

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10-12, 14-19, 21-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al.(5,953,338) in view of Verthein et al(6,487,196)

With regards to claim 1 Ma teaches a method comprising: receiving a request to make a connection from a calling device to a called device at a predetermined level of QOS(Fig. 8, CAC receives a call request with specified QOS), retrieving resource information from a model to determine whether resources are available to make the connection at the predetermined level(Fig. 8, CAC determines VP group and VP, and if bandwidth is available), providing a ...signal to the calling device if there is insufficient available resources to make the connection at the predetermined QOS(Fig. 8, set alarm, reject BW request, overload condition). What Ma teaches the use of an alarm and not a fast busy signal.

Verthein teaches the use of a fast busy signal to indicate a busy phone (col. 12 lines 40-50). It would have been obvious to one of ordinary skill in the art to combine this feature with Ma for the purpose of using the fast busy signal in place of the alarm. The motivation being that this signal is twice as fast as a normal busy signal.

Claim 2 is rejected because ATM is a packet switched network and so is the internet. Verthein teaches VOIP. It would have been obvious to one of ordinary skill in the art to implement CAC as taught in Ma in a IP network. The motivation being control the quality of voice calls over the internet.

Claims 3-4 are rejected because Ma teaches a voice connection over an ATM network.

Claims 5-7 are rejected because although Verthein does not teach the different forms, implementing these forms of the fast busy signal is obvious as a matter of design choice. It would have been obvious to combine Verthein with Ma for the same purpose as stated above.

Claim 8 is rejected because Ma uses available BW status to determine call connection.

Claims 10-11 are rejected because in ATM the caller in some instances has established a contract with the service provider hence the CAC has information about the calling device. The CAC is also aware of the nodes along the path between caller and called parties.

With regards to claim 12, 19, Ma teaches a data network switch comprising: a softswitch(Fig. 1B@130A) a calling device and a called device(Fig. 1B@110K, 110I, client of the networks), a communications path between the calling and called devices(Fig. 1B), and a RIS coupled to the softswitch(Fig. 1B@160), the RIS having access to a model containing information about resources on the data network(Fig. 1B@145), wherein the RIS is operable to inform the softswitch to initiate the sending of a signal(alarm) if the are insufficient resources(BW) to make the connection along the communications path at a predetermined QOS.(Fig. 8, set alarm, reject BW request, overload condition).). What Ma teaches the use of an alarm and not a fast busy signal. Verthein teaches the us of a fast busy signal to indicate a busy pone(col. 12 lines 40-50). It would have been obvious to one of ordinary skill in the art to combine this feature with Ma for the purpose of using the fast busy signal in place of the alarm. The motivation being that this signal is twice as fast as a normal busy signal.

Claims 14-15 are rejected because the customer network in Ma is a Lan capable of both computer and telephone devices.

Claims 16-18, 22-23 are rejected because ATM is a packet switched network and so is the internet. Verthein teaches VOIP. It would have been obvious to one of ordinary skill in the art to implement CAC as taught in Ma in a IP network. The motivation being control the quality of voice calls over the internet.

Claims 20-21 are rejected because Ma teaches a connection for voice over ATM(CBR traffic), ATM is capable of supporting multimedia traffic.

Claim 24 is rejected because the QOS in MA refers to bandwidth

Claims 9, 13, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma and Verthein as applied to claims 1-8, 10-112, 14-19, 21-24 above, and further in view of admitted prior art.

Claims 9, 13, 20 are rejected because although RDF is not taught by both Ma and Verthein, it is well known database storage format(specification p. 12). In Ma the usage monitor keeps track of bandwidth usage in the different VPN groups. It would have been obvious

for one of ordinary skill in the art to store this information in this format. The motivation being easier tracking/accessing QOS information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth N Vanderpuye whose telephone number is 703-308-7828. The examiner can normally be reached on M-F(7:30-5:00) Second Friday Off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KNV
9/6/04


KENNETH VANDERPUYE
PRIMARY EXAMINER

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Art Unit: 2661

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